

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	16cr273 (DLC)
	:	
KENYATTA FURS,	:	
	:	
Defendant.	:	<u>ORDER</u>
-----X	:	

DENISE COTE, District Judge:

Kenyatta Furs has moved for compassionate release, pursuant to Title 18, United States Code, Section 3582(c)(1)(a). For the following reasons, the motion is denied.

Furs pleaded guilty on March 7, 2017 to one count of conspiracy to distribute and possess with intent to distribute narcotics, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A). On June 30, 2017, Furs was sentenced to 120 months' imprisonment. He is currently incarcerated at Federal Correctional Institution-Fairton ("FCI-Fairton"). He is forty-four years old, and his projected release date is October 25, 2024.

Furs requested compassionate release from his warden, but his request was denied in December 2020. He then filed a motion for compassionate release.<sup>1</sup>

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<sup>1</sup> Furs' motion is undated, but it was received and docketed by this Chambers on May 13, 2021.

Since Furs exhausted his administrative remedies by unsuccessfully requesting compassionate release from his warden, his sentence may be reduced upon a showing that "extraordinary and compelling reasons" warrant a sentence reduction, 18 U.S.C. § 3582(c)(1)(A)(i). The Court may "independently . . . determine what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted). If the Court finds Furs has demonstrated "extraordinary and compelling reasons" for a sentence reduction, the Court must then conclude that the 18 U.S.C. § 3553(a) sentencing factors weigh in favor of compassionate release.

Furs' motion is denied. He has not presented an extraordinary and compelling reason for compassionate release. Furs' motion for compassionate release is premised on his infection with COVID-19 while incarcerated and the effects of the COVID-19 pandemic on FCI-Fairton. But medical records filed in conjunction with his submission indicate that he has already recovered from COVID-19. The Bureau of Prisons has also engaged in a widespread rollout of COVID-19 vaccines to inmates at FCI-Fairton and other prisons, further reducing the risk that Furs will contract severe COVID-19 while incarcerated. See COVID-19 Vaccine Implementation, Bureau of Prisons, <https://www.bop.gov/coronavirus/> (last visited May 13, 2021).

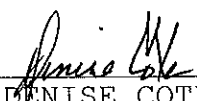
The risk of COVID-19 therefore does not qualify an extraordinary and compelling circumstance meriting compassionate release.

The § 3553(a) factors also weigh strongly against Furs' release. Furs is incarcerated for a serious crime stemming from his participation in a drug trafficking organization that distributed crack cocaine. He also has a lengthy criminal history that includes several convictions for violent offenses. The Court imposed the mandatory minimum term of imprisonment. Given Furs' record of serious criminal misconduct, a reduction in sentence is not merited. Accordingly, it is hereby

ORDERED that Furs' motion for compassionate release pursuant to § 3582(c)(1)(A) is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Furs a copy of this Order and note mailing on the docket.

Dated: New York, New York  
May 13, 2021

  
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DENISE COTE  
United States District Judge